UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:23-cv-00324-MOC-WCM

DYLAN KAGLEY,)	
)	
Plaintiff,)	
)	
VS.)	<u>ORDER</u>
)	
FUTURE MOTION, INC.,)	
)	
Defendant.)	

THIS MATTER comes before the Court on the Parties' Joint Stipulation to Vacate Clerk's Default. (Doc. No. 10).

The Court "may set aside a clerk's entry of default upon a showing of "good cause." FED. R. CIV. P. 55(c). Rule 55(c) must be "liberally construed in order to provide relief from the onerous consequences of defaults and default judgments." <u>Lolatchy v. Arthur Murray, Inc.</u>, 816 F.2d 951, 954 (4th Cir. 1987) (quoting <u>Tolson v. Hodge</u>, 411 F.2d 123, 130 (4th Cir. 1969)). "Any doubts about whether relief should be granted should be resolved in favor of setting aside the default so that the case may be heard on the merits." <u>Tolson</u>, 411 F.2d at 130. The Court finds that the Parties have shown good cause to set aside the entry of default in this case. Therefore, the Parties' Joint Stipulation will be granted.

ORDER

IT IS, THEREFORE, ORDERED that:

- 1. Parties' Joint Stipulation to Vacate Clerk's Default (Doc. No. 10) is **GRANTED**;
- 2. Defendant **SHALL** file a notice of potential tag-along to the Northern District of California for MDL-3087, In re: Future Motion, Inc. Products Liability Litigation

and shall have thirty (30) days to file a response to Plaintiff's Complaint.

SO ORDERED.

Signed: August 5, 2024

United States District Judge